

60158-107

REMARKS

Claims 21-28 and 31-36 stand rejected under 35 U.S.C. §103(a) as being obvious over Hsich in view of JP 06329958A and the Crea Nova publication. The Examiner contends on page 2 of the Final Office Action that it would be obvious to employ the polyamide particles of Crea Nova in the film of the Japanese reference on the metal tube 10 of Hsich, and therefore Applicant's claims are obvious. Applicant respectfully disagrees.

There is no suggestion or motivation to provide the polyamide particles of Crea Nova in an epoxy film as suggested by the Japanese reference to form a layer on the tube 10 of Hsich. In Hsich, the metal tube 10 has an inner layer 12 of a first polymeric material (for example, epoxy) that provides chemical resistance and prevents corrosion, and an outer layer 14 of a second polymeric material extruded over and weakly bonded to the inner layer 12 (column 2 lines 38-55 and column 3 lines 54 to 59). The Japanese reference teaches an epoxy resin film including a polyamide resin powder. Crea Nova teaches a lacquer including a polyamide 12 powder that provides a homogeneous structured surface, low gloss, reduced dirt pickup, and abrasion resistance. There is no motivation to combine the references. If polyamide particles were added to the epoxy inner layer 12 of Hsich, the polyamide particles in the inner layer 12 would be covered by the outer layer 14, negating the disclosed benefits of the polyamide particles. There is no reasons to provide low gloss, reduced dirt pickup, and abrasion resistance in an inner layer. There is no suggestion to employ the polyamide particles of Crea Nova in the film of the Japanese reference as a layer on the tube 10 of Hsich, and Applicant's claims are not obvious.

There is also no motivation to utilize plastic particles in the lacquer of Crea Nova in the epoxy resin film of the Japanese publication. Epoxy resins are very different from lacquers and cannot be substituted for each other. One skilled in the art would not consider a lacquer when forming an epoxy resin. There is no suggestion to combine Hsich, the Japanese reference and Crea Nova, and the Examiner's rejection is improper.

The Examiner also states on page 4 of the Office Action that it is desirable to coat a metal tubing with zinc to provide additional corrosion resistance. However, the Examiner supplies no evidence of this assertion. Applicant cannot respond without this evidence, and therefore asks that the holding be dropped or the evidence be supplied (MPEP 2144.03). The use of electroplated zinc is not a matter of engineering choice. Applicant's claims are not obvious.

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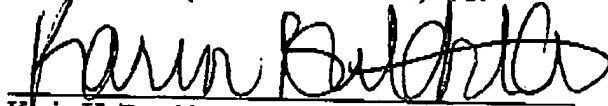
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Thus, claims 21-38 are in condition for allowance. No additional fees are seen to be required. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested. 60158-107

Respectfully submitted,

CARLSON, GASKEY & OLDS, P.C.

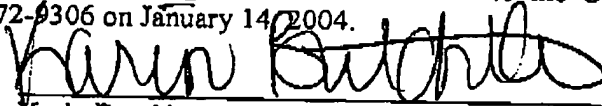


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CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, 703-872-9306 on January 14, 2004.



Karin Butchko

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